



Republican Policy Committee

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Senators Speak Out on Crime in America: Clinton Judges Lending Convicted Felons a Hand

Terrible acts of crime and terrorism were on the minds of millions of Americans on April 19, as the nation commemorated the anniversary of the tragic bombing of the federal building in Oklahoma City. Eight U.S. Senators took to the Senate chamber on that day to address this important issue. Attached are the statements made by Senators Coverdell, Grassley, Hutchison, DeWine, Gramm, Abraham, Thompson, and Gorton, as published in the *Congressional Record*.

Among the points made by the Senators were these:

- **Clinton's appointments to the federal bench, backed by the American Bar Association and the trial lawyer lobby, share the President's "soft-on-crime" view.** Emphasizing the criminal's rights at the expense of victim's rights, tying the hands of law enforcement and allowing multiple offenders back on the streets too soon, these judges have seriously undermined the criminal justice system.
- **A successful Justice Department program to go after the toughest criminals, Project Triggerlock, begun in 1991, has been virtually ignored by this Administration.** The program allowed federal prosecutors to get tough on felons who commit crimes with a gun, insuring they earned longer sentences with strict, mandatory minimums. The Clinton Administration's failure to make this important anti-crime measure a priority has resulted in a substantial decrease in federal convictions for the most violent criminals.
- **President Clinton has abdicated leadership in addressing the rising crime rates in America.** It won't matter how many police officers we put on the streets if President Clinton and his liberal judges won't allow the enforcement of the law to its fullest, and protect victims' rights over criminals'.
- **The President has yielded on one important matter: he agreed to sign the anti-terrorism bill which contained the long-sought provisions to reform the death penalty appeals.** The bill will help end frivolous lawsuits and endless appeals.

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[See attached *Congressional Record* statements.]

A TRAGIC ASSAULT: DRUG USE AMONG TEENAGERS

Mr. COVERDELL. Mr. President, this morning we gathered in the Senate Chamber to remember a very solemn moment in American history: the needless loss of 168 citizens in Oklahoma City. It reminds me of another tragic assault that goes on against the youth of our country on a day-to-day basis.

In the last 36 months, drug use among our teenagers 8 to 15 years of age has doubled, and we are in the midst of a new epidemic. What does that mean? That means that nearly 2 million—2 million—American youth have been ensnared in the assault by the drug lords of this hemisphere and their lives are potentially ruined, devastated and stunted.

Not only will their lives be impaired and ruined, but a chain of events will follow because as these youngsters are consumed by drugs, they are driven into a life of crime, an effect on our Nation which is immeasurable.

Of the 35,000 prisoners in Georgia this morning, 80 percent of them are there today because of drug-related offenses. The impact of this war, this assault on the youth of our country is having a devastating impact across the land as it drives crime, assault and battery, murder, theft, robbery, burglary.

Mr. President, I spent a few minutes with President Zedillo of Mexico not long ago. He said the drug war was the single greatest threat to his country. I said, "I agree with you, Mr. President, with one amendment. The drug war is the single greatest threat to this hemisphere of democracies, to all of our nations in this hemisphere of democracies."

Mr. President, I yield up to 10 minutes to my distinguished colleague, the Senator from Iowa, the chairman of a drug task force and eminent figure in this issue and assault on the youth of our country. I yield 10 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

PRESIDENT CLINTON'S JUDICIAL NOMINEES SOFT ON CRIME

Mr. GRASSLEY. Mr. President, today we do remember what happened 1 year ago in Oklahoma City, a very horrible crime. People are concerned

So I rise this morning to talk about crime as the Senator from Georgia indicated. The war on drugs has a lot to do with the whole subject of crime, but I also want to make some reference to the negative effect that this administration has had on the Federal courts.

I think it is fair to say that President Clinton's judicial appointments communicate the President's vision of the kind of America that the President would like to have. I do not share his soft-on-crime vision. I do not think most Americans do. Mr. President, you can say that you are putting all the cops on the streets all you want, but unless you appoint Federal judges who will enforce the law and protect victims over criminals, all the cops in the world will not make any difference.

In regard to the appointments that the President made, I read with amusement in this morning's Washington Post where Vice President GORE attempted to defend President Clinton's record on judicial nominations. I believe that the Vice President's efforts fall far short. For instance, one of his primary arguments is that this administration's nominees have enjoyed more support from the American Bar Association than the last three administrations. Mr. President, this just goes to show how out of touch the Vice President is with the American people and with even the President's own appointees.

President Clinton has a powerful ally in his judicial jihad to protect criminals, and that happens to be the American Bar Association, because somehow the ABA mysteriously and without input from the American people set itself up as the ultimate arbiter of who should or should not be a judge. The ABA happens to share the President's own frightening vision of criminals' rights over victims' rights.

We just passed a very fair and balanced antiterrorism bill in this body. That bill contained habeas corpus reform, badly needed, to permit prisoners just one bite at the apple and to limit that bite in order to stop frivolous and successive postconviction appeals that allowed people to stay on death row for 10 to 15 years. Vice President GORE uses the ABA as a mantle to say that the President's judges are ideal appointees. Yet the American Bar Association strongly opposes these necessary anticrime provisions that were in the antiterrorism bill.

Unfortunately, I believe that the current administration has then done a disservice to the American people by gathering liberal activists from every coffee house and every street corner in America and nominating them to some of the most important and influential Federal courts in America.

Few Americans would dispute and few in this body dispute the fact that

in the arena of criminal justice, the legacy of the Earl Warren Supreme Court of the 1960's and 1970's has been devastating. Violent criminals who have committed heinous, shocking crimes are routinely freed on bogus technicalities first invented during the Earl Warren period. We are still paying that price. These violent individuals go back out on the streets and commit even more crimes and victimizing more people.

Until the President came on to the scene, I thought that we had turned a corner on that sort of Warren Court thinking. I had thought there was a broad consensus that law enforcement should not have their hands tied by highly technical rules. I had thought that there was a broad consensus that serving time in prison for committing crimes should be punishment and not a blissful vacation at taxpayers' expense.

But, Mr. President, I was wrong. President Clinton has sent up a number of law professors and liberal activists to sit on the Federal bench and impose their preconceived, unrealistic ideas on the rest of America. Now, a simple fact of American Government: Bad judges are worse than even bad Presidents, because we can vote bad Presidents out of office, but we are stuck with bad judges for life. We cannot send them back to their coffee houses and street corners. To be honest, the Republican-controlled Senate has been somewhat to blame, as we trusted the President to do the right thing. But now with this record, Mr. President, I think it is time that we start giving judicial nominees the scrutiny that they obviously deserve.

We have been lax, in deference to the President. But that needs to end given his poor performance of nominating judges intent upon protecting criminals over victims' rights. Of course, we in the Senate have a right under the Constitution to comment on the direction the country is taking and how the courts have played a role in this. So the concept of the separation of powers remains untouched and intact and alive and well.

Take a good, hard look at some of the President's more notable judges. In the first circuit Judge Sandra Lynch overturned a life sentence imposed for a brutal murder. This is a pattern that we see over and over again—liberal, soft-on-crime, Clinton judges lending convicted felons a hand.

In the Second Circuit Court of Appeals, Judge Guido Calabresi dissented from an opinion which denied a prisoner the right to receive pornography in his jail cell. This is another theme with Clinton judges, making sure that prisoners have all the amenities that they want. The logic must be that prison should not be too uncomfortable or too difficult.

In the Third Circuit Court of Appeals, Judge H. Lee Sarokin has issued a few zingers. This judge has ruled that prisoners have a constitutional right to prevent prison officials from opening

and inspecting mail. This judge has voted to overturn the death sentences of two murderers who brutally ended the lives of two elderly couples.

In the fourth circuit, Judge Blane Michael argued in a dissenting opinion that a criminal who had tried to murder a Federal prosecutor could not be found guilty under Federal statute prohibiting the mailing of a bomb to Federal officials because the bomb was poorly made and unlikely to actually explode. Mr. President, how could this judge have done any more to help that criminal?

In the Fifth Circuit Court of Appeals, District Judge Robert Parker ruled that it was unconstitutional for the police to search for hidden marijuana plants by using an infrared device. Mr. President, what more could drug dealers ask for to help them?

In the Eleventh Circuit Court of Appeals, Judge Rosemary Barkett wrote an opinion granting a hearing for a man who had been convicted of setting his former girlfriend's house on fire and killing her two children.

Lest anyone think that the President has seen the errors of his ways and will start putting more mainstream judges on the Federal bench, let us look at a nonconfirmed nominee to the eleventh circuit. At his recent judiciary confirmation hearing, Mr. Stack was asked what he thought of the applicable law of search and seizure law relative to the now infamous New York case in which Judge Baer initially suppressed evidence of millions of dollars worth of illegal drugs.

Mr. Stack was unable to cite even the most fundamental criminal law precedents. In fact, his only comment that he made was that he would "applaud the use of all evidence . . . legally obtained in the courtroom" but would not want to "throw . . . away the constitutional guarantees that each of us in America is afforded." I do not believe this is a response worthy of a Federal circuit court nominee. This is unacceptable from a circuit court nominee who is supposed to have the necessary credentials and qualifications for appointment to the Federal bench.

Next to the Supreme Court, the Federal court of appeals is the most important court in the country. It appears as though Mr. Stack's qualifications for the eleventh circuit post has been based solely on raising \$11 million for President Clinton's 1992 Presidential campaign and another \$3.4 million for the National Democratic Committee, and not on Mr. Stack's legal capacity, his competence, or his temperament. If this does not at least give the appearance of buying a Federal court seat, I do not know what does.

In fact, Mr. Stack has little, if no experience, in criminal law or practice before the Federal courts. He has no substantive legal writings to speak of.

Further, Mr. Stack was surprisingly ignorant about recent developments in the law. Mr. Stack was comfortable

telling the Senators at his confirmation hearing that he would seek guidance from other judges and the Federal Judicial Center if he was not knowledgeable about a particular area of law. So I look to him asking Judge Barkett, that what she can teach him and mold him about Mr. Stack's views of criminal law as a fierce defender of criminals—I think it is clear that the American people find this extremely disturbing.

In conclusion, with Clinton-appointed judges, I think a pattern has emerged. In those rare circumstances when Clinton judges believe that criminals should go to prison, they certainly want to make sure that prison is not too inconvenient. While Clinton judges write on and on about the rights of prisoners, they are silent about the rights of crime victims. That is why it is so important for the Senate to speak out to be the champions of the victims and not of the predators.

Mr. COVERDELL. Mr. President, I thank the Senator from Iowa for his thoughtful remarks. They were very eloquently presented.

I yield up to 10 minutes to the distinguished Senator from Texas.

CRIME IN AMERICA

Mrs. HUTCHISON. Thank you, Mr. President. I thank my colleague from Georgia.

Mr. President, today all Americans will stop and remember the terrible tragedy that occurred 1 year ago today in Oklahoma City. We extend, all of us in the U.S. Congress and all over America, our prayers and our thoughts to those who lost family and friends in that senseless tragedy.

Last week, Congress passed laws to make it harder for criminals to inflict the kind of terror we saw in Oklahoma City and at the New York World Trade Center before that. This antiterrorist law is just one small step toward taking back our cities, our towns, and our communities. Taking them back from dangerous and predator criminals who have made us afraid to walk the streets at night, who have forced us to put bars on our windows, and who have caused us to place metal detectors in our Federal buildings and in some public schools in our country.

Mr. President, one thing the law we just passed does is make it harder for prison inmates to file years and years of appeals that tie up our courts for years, dulling the sword of justice. Often, to many Americans, it seems as if our court system cares more about criminals' rights than the rights of law-abiding citizens. But there is more the American people expect of us. They have had enough of liberal judges who think it is their responsibility to turn dangerous criminals out to society, when society would like to keep them behind bars. They are tired of a revolving-door justice system.

According to a recent study by the Bureau of Justice statistics, an incredible 94 percent of State prisoners are violent criminals or repeat offenders.

I introduced legislation this year that is on its way to the President. It will permit the States to take back control of their prison systems away from Federal judges who are out of touch with the everyday concerns of working, law-abiding families. In my own State, one Federal judge has taken it upon himself to say that prison cells in the State prisons are too small and there is not enough recreation space. What is his remedy? His remedy is to release prisoners early. As a result, in Texas, violent criminals serve 6 months of every year of their sentences.

Mr. President, what we need is judges who understand it is not cruel and unusual punishment for a criminal who has a victim to endure a hot, uncomfortable jail cell without color TV, without his or her favorite foods, without indoor and outdoor recreational facilities.

Mr. President, Americans are ready for a prison system that does not more for prisoners, but less for prisoners and more for law-abiding citizens. No prisoner should be eligible for early release or parole who is not drug free, able to read, and trained in a skill that will enable that person to get a job outside. If you cannot function in society outside, you should remain inside the prison if you have not served your time.

We should say very clearly to those who commit crimes and end up behind bars, we want you to learn to cooperate with society. We want to give you a chance. You are locked up because you did not cooperate with society and you have a victim.

The Speaker of the House said, "We ought to require prisoners to work 48 hours a week and study 12 hours a week. If we kept them busy 60 hours a week doing something positive, I think they would be different people when they go out into the world. Recidivism would fall and victims would be spared."

Mr. President, what is the first and foremost responsibility of Government? The first and foremost responsibility is to provide law-abiding citizens the conditions to live freely. But for too long, the Federal Government and Federal judges have interfered with the responsibility of States to meet their first responsibility to their citizens. Texans and Americans all over this country have had enough. They are tired of politicians and judges that blame society for crime. They blame criminals for crime. They would like for Government to do the same thing.

There were 10 million violent crimes in America in 1993. Those were the ones that were reported. Mr. President, 100,000 criminals were sent to prison to serve time for violent crimes. What has happened to a criminal justice system that imprisons 1 person in 100 for every

violent crime committed in this country?

Mr. President, we can put barricades in front of the White House, but too many Americans do not have that luxury. Ordinary citizens are faced each day with the threat of violent crime. They have had enough. They want their streets back. They want their communities back.

Mr. President, I want to end with a recollection that I had 1 year ago today. It was from a victim of the Oklahoma tragedy. I will never forget watching television, as so many of us in this country did, and I saw this man, bandaged, his eyes swollen shut, you could not see anything else on his face, and a news reporter put a camera and a microphone in front of this victim. He was a man who had gotten up and gone to work that day. His life had blown up in front of him in just a few short minutes. The reporter said, "How do you feel?" This man, through his bandages and his swollen eyes, said, "I feel like I live in the greatest country on Earth, and I'm going to have to work harder to make it better."

Mr. President, that victim's spirit will do more to return this country to its bearing than any laws that Congress could pass.

Our Nation's leaders must strive to do what is legally possible to give our citizens a society in which they can go to work and raise their families freely.

But, Mr. President, even more important, our leaders should never forget the victims' spirit from Oklahoma City and all the people who came to help after that tragedy in the great spirit of this country. We must remember that spirit is what will rebuild this country, that is the spirit on which this country's future is based.

We will provide the laws. We have done that. We have done that this week and we must do more. But we must also come back to our bearings. What made this country great was people who love this country no matter what victimization they have had. They are going to work harder to make it better.

Thank you, Mr. President. I yield the floor.

Mr. COVERDELL. Mr. President, I appreciate the remarks of the Senator from Texas. As always, she is an eloquent voice on this subject, and I am most pleased that she could be here this morning.

Mr. President, I yield up to 10 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for up to 10 minutes.

GUNS AND CRIMINALS

Mr. DEWINE. I thank my friend and colleague from Georgia for putting this time together this morning.

Mr. President, I want to talk this morning about the question of guns and criminals who use guns. We have debates—and often they are very contentious debates—about a lot of issues

concerning crime. We talk on this floor about contentious issues, such as the Brady bill and assault weapons. And these are important issues. They are important. I happen to favor these bills. But I think we need to recognize what really is important, and we need to step back a little bit and talk about what really makes a difference when we talk about what we do to deal with the crime problem.

These two issues—the Brady bill and assault weapons—are highly contentious. Second, frankly, they, at best, only have a marginal impact on the problem. Third, they tend to attract somewhat overblown rhetoric, frankly, on both sides of the issue. I think both sides of the Brady bill debate and both sides of the assault weapon debate overemphasize what the importance of this debate is.

I am, frankly, puzzled that we cannot seem to move forward on more effective proposals that everyone ought to favor—proposals that will really make a difference. These proposals that I am talking about may not be very exciting, but they are real, they work, they make a difference, they make a difference out on the street.

Mr. President, we all agree that we, as a society, ought to do more to protect our citizens from armed career criminals. There are predators out there—predators, Mr. President—who are repeat violent criminals who use a gun while committing a crime. We, as a society, have to make a strong, effective response to this threat.

Mr. President, in this area, as in all areas of national concern, we really need to be asking the following questions: One, what works? What really makes a difference? Two, what level of Government should do this particular job?

In the area of gun crimes, we have a pretty good answer. We have an answer that is based on experience and based on history. Now, we all know that there is some controversy over whether general restrictions on gun ownership would help to reduce crime. But there is no controversy over whether taking guns away from felons would reduce crime. Democrat, Republican, liberal, conservative—I think everyone gets that, everyone understands it, and there should not be any controversy about it. If you take guns out of the hands of felons, you are going to reduce crime.

When it comes to felons, Mr. President, unilateral disarmament of the thugs is simply the best policy. Let us disarm the people who hurt people. Although we can quibble about statistics, the facts are that the vast majority of crimes in this country today, the vast majority of violent crimes, the vast majority of crimes that hurt people are committed by a small number of the criminals. One estimate is that 70 percent of all violent crime in this country is committed by less than 6 percent of the criminals, which is a relatively small number of people.

And so what I say that we need to do, Mr. President, is to target the violent career criminals, particularly those who use a gun to commit a felony—target them, convict them, get them off the street, lock them up, and keep them locked up.

Mr. President, we have actually tried this, and we know it works. One of the most successful crime fighting initiatives of recent years was known as Project Triggerlock. This project was wildly successful precisely because it addressed a problem squarely head on, and it placed the resources where they were most needed.

Let me talk for a moment and share with you the story about Project Triggerlock. The U.S. Justice Department began Project Triggerlock in May 1991. The program targeted for prosecution in Federal court armed, violent, repeat offenders. Under Project Triggerlock, U.S. attorneys throughout the country turned to their local, State prosecutors and said this: "If you catch a felon, and you catch that felon with a gun, and if you want us to, the U.S. attorneys, we, the Federal prosecutors, will take over the prosecution for you. We will prosecute this individual under Federal law—Federal law that many, many times, in regard to violent repeat offenders who use a gun in the commission of a felony, is tougher than State law. We will prosecute this individual. We will convict this individual, and we will hit this person with a stiff Federal mandatory sentence. And then we will lock him up in a Federal prison at no cost to the State or local community. Basically, we will deep-six this guy, get him out of society. We will take the cost of prosecution and then we will pay to house him for 10, 15, 20 years while he is out of society."

That is the type of assistance to local communities that makes a difference. That is what Project Triggerlock did. Triggerlock was an assault on the very worst criminals in America. Mr. President, it worked.

Listen to these figures. This program took 15,000—15,000—criminals off the streets in an 18-month period of time. Triggerlock caused a dramatic increase in Federal firearms prosecutions. In the first 12 months of Triggerlock, the program initiated firearms prosecutions against 6,454 defendants. It worked.

Now, incredibly, Mr. President—incredibly—the Clinton Justice Department has chosen to deemphasize Project Triggerlock. They tell us they still have it; they just do not talk about it. Apparently, they do not even keep the statistics on it. They do not make it a priority.

Mr. President, Project Triggerlock was the most effective Federal program in recent history for targeting and removing armed career criminals. But the Clinton administration Justice Department, today, acts like Triggerlock simply does not exist. While the Clinton Justice Department

says that Triggerlock remains important, the facts, the statistics do not bear this out. They, apparently, no longer keep records on these prosecutions—and, I guess, for very good reason.

If you look at the records kept in Federal courts—go to the Federal courts to get your statistics, here is what you learn: Since the advent of the Clinton administration we have seen a substantial decrease in the prosecution for weapons and firearms offenses.

That is a shocking fact.

We also see a substantial decrease in actual convictions for these firearm related offenses in Federal court.

Let us look at the numbers. In 1992, there were 4,501 prosecutions of gun criminal charges for these crimes. In 1993, the number of prosecutions dropped slightly to 4,348. But in 1994, the number plunged all the way down to 3,695. We should have been seeing an increase. Instead, we started going the wrong way. That is a 19-percent drop in weapons and firearms prosecutions in the Federal courts during the Clinton administration—a 19-percent drop.

Mr. President, who in this country can believe that this is justified? Who in this country believes that the threat of gun criminals to the society is less than it was 2 years ago? Clearly, it is not.

Mr. President, the number of total convictions for firearm-related prosecutions in Federal court has dropped as well. Again, let me go back to 1992. In 1992, 3,837 of these defendants were convicted. In 1993, there was a drop, a drop to 3,814. But in 1994, we see a more severe drop—down to 3,345. Again, instead of going up in prosecutions, which is what you would have expected, we see the trend lines going down. Mr. President, that is going in exactly the wrong direction.

Last year, I introduced a crime bill that would have restored Project Triggerlock. It would have required a U.S. attorney in every jurisdiction in this country to make a monthly report to the Attorney General in Washington on the number of arrests, the prosecutions and convictions that they had achieved in the previous month on gun-related defenses. The Attorney General under my bill should then report semi-annually to the Congress on the work of these prosecutors. Then we would know the information would be available.

It is like anything else. When you start counting, when you start publicizing the results, you start holding people accountable, and people then respond.

Let me say that there are a lot of U.S. prosecutors who are doing a good job in this area who on their own are emphasizing the prosecution of people with guns. But it should not just be left up to every U.S. attorney in the country to decide one way or the other. This should be a national policy. It should be a national policy that is driven by the Attorney General and driven

by the President of the United States. Quite frankly, nothing short of that, in my opinion, is acceptable.

The truth is that, like all prosecutors, U.S. attorneys have limited resources. So like all prosecutors, U.S. attorneys have to exercise discretion about whom to prosecute. We know that. We all recognize that Congress can and should not dictate to prosecutors whom they should prosecute. But it is clear that we as a Congress, that we as a Senate, should go on record with the following proposition. There is nothing more important in fighting crime than getting armed career criminals off the streets.

Mr. President, I think the Project Triggerlock is a very important way to keep the focus on the prosecution of gun crimes. Getting gun criminals off the streets is a major national priority. I believe that we should behave accordingly.

This is no time to turn our backs on a proven, promising mainstream anticrime initiative; an anticrime initiative that is not controversial, an anticrime initiative that would not tie up 5 minutes of debate on the Senate floor in regard to whether or not we should do it. Everyone understands that we need to do this. What we need is the will from the executive branch to really reinstitute Project Triggerlock and make it work.

Mr. President, families who are living in crime-threatened communities need to know that we are going to do what it takes to get guns off their streets. We are going to go after the armed career criminals. We are going to prosecute them, we are going to convict them, we are going to lock them up, and we are going to keep them locked up.

Mr. President, in conclusion, this is why we have a Government in the first place—to protect the innocent, to keep ordinary citizens safe from violent predatory criminals.

I think Government needs to do a much better job at this very fundamental task, and it is inherently the fundamental task of the Government. That is why targeting the armed career criminal is such a major component of our national policy.

The Clinton administration, I believe, should reverse its opposition to Project Triggerlock, and should do so immediately.

I thank my colleague from Georgia for the time. I thank the Chair.

I yield the floor.

Mr. COVERDELL. Mr. President, I appreciate the remarks of the Senator from Ohio.

I now yield up to 5 minutes to the senior Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

PRISON CONSTRUCTION AND CRIME IN TEXAS

Mr. GRAMM. Mr. President, I want to thank our colleague from Georgia

for leading this effort. We are always looking for good news in our war on violent crime and the threat that it poses to our families. This morning I want to share some good news. This good news is based on hard facts presented in a major study done by the National Center for Policy Analysis, which is located in my State. I think that when you listen to the numbers, they speak as loudly and as clearly as a clap of thunder.

Five years ago, Texans finally had enough of violent crime, so we launched the largest prison building program in the history of the United States of America. Over a 4-year period, we expanded the size of the Texas prison system from a 49,000 criminal capacity to a 150,000 criminal capacity.

In terms of our population, Texas started out having a per capita violent criminal incarceration rate that was roughly equal to the national average. Four years later, we have the highest criminal incarceration rate of any State in the Union. I believe that this is a direct result of building new prisons, putting people in jail, and beginning to approach what we call "truth in sentencing," so that when somebody is sentenced to prison for 10 years, they actually, honest to God, serve 10 years in prison.

We have seen the following things happen in Texas in terms of expected punishment for committing major crimes. Over the 6-year period between 1988 and 1994, the expected punishment in Texas for murder rose by 360 percent. For rape, the expected punishment rose by 266 percent; for larceny, 167 percent; for aggravated assault, the expected punishment rose by 360 percent. For burglary, the expected punishment rose by 299 percent; for robbery, 220 percent; and for motor vehicle theft, 222 percent.

In other words, we built prisons, we got tough, we sent people to prisons, and we extended the amount of time criminals actually spend in prison. What happened? Well, what happened is that the overall crime rate in Texas has fallen by 30-percent since 1988. Let me repeat that. We increased the number of prison beds. We more than doubled the expected punishment for crimes ranging from murder to car theft, we increased the number of people in prison, and the crime rate fell by 30 percent.

Let me put that in more meaningful terms: As compared to 5 years ago when we started building prisons and putting violent criminals in prison in Texas—as compared to 1991—the 30-percent lower crime rate we have today means that in this year alone, 1,140 people in Texas who, at the crime rate of 5 years ago would have been murdered in my State, will not be murdered. It means that in 1996, 450,000 less serious crimes will be committed than would have been committed had we not tripled the capacity of our prisons.

The lesson is very clear. We have a small number of violent predator

criminals who commit a huge percentage of our violent crimes. When you are willing to put them in jail and keep them there, the crime rate falls.

The time has come for us to get serious at the Federal level. We have three major statutes that criminalize prison labor. We are one of the few countries in the world which cannot make people in prison work to produce something that can be sold in order to help pay for the cost of incarceration. Three depression-years laws make it a crime to require prisoners work, make it a crime to sell what they produce, and make it a crime to transport what is produced. In other words, we can require taxpayers to work in order to pay for building and maintaining prisons, but we cannot make prisoners work in order to do the same. We should repeal those three statutes. We should turn our Federal prisons into industrial parks. We should cut the cost of prison construction by stopping the building of prisons like Holiday Inns. We need to put people in jail for violent crimes. We need to have sentences of 10 years in prison without parole for possessing a firearm during the commission of a violent crime or drug felony, 20 years for discharging it, and the death penalty for killing one of our neighbors.

If we do those things, we can end this wave of violence. We are allowing our fellow citizens to be brutalized by violent criminals because we will not do something about it. In Texas, we have shown that you can do something about it and I would like us to follow that lead at the Federal level. I commend the National Center for Policy Analysis for conducting this study which was released in January of this year. Every Member of Congress should read this study and I would be happy to supply it to anyone who is interested in doing so.

Mr. President, I thank you for listening.

Let me now yield 10 minutes to the Senator from Michigan [Mr. ABRAHAM].

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. ABRAHAM. I thank the Chair.

CONTROL OF PRISONS

Mr. ABRAHAM. Mr. President, I should like to pick up on some of the topics which the Senator from Texas was discussing and particularly focus on one aspect of the Republican agenda on crime, prison reform. I would like today to discuss the proposals we Senate Republicans have developed under the leadership of the majority leader, Senator DOLE, to end frivolous lawsuits brought by prisoners, to remove our prisons from the control of Federal judges, and return control over them to our State and local officials.

Mr. President, let me begin by outlining the problem. In 1995, 65,000 prisoner lawsuits were filed in Federal courts alone. To put that in context, 65,000 lawsuits is more than the total

number of Federal prosecutions initiated in 1995. In other words, prisoners incarcerated in various prisons brought more cases in the Federal courts than all Federal prosecutions last year combined.

The vast majority of these lawsuits are nonmeritorious. The National Association of Attorneys General estimated that 95 percent of them are dismissed without the inmate receiving anything.

Let me just list a few examples.

First, an inmate claimed \$1 million in damages for civil rights violations because his ice cream had melted. The judge ruled that the right to eat ice cream was clearly not within the contemplation of our Nation's forefathers.

Second, an inmate alleged that being forced to listen to his unit manager's country and western music constituted cruel and unusual punishment.

Third, an inmate sued because when his dinner tray arrived, the piece of cake on it was "hacked up."

Fourth, an inmate sued because he was served chunky instead of smooth peanut butter.

Fifth, two prisoners sued to force taxpayers to pay for sex change surgery while they were in prison.

On and on the list goes, Mr. President, with more and more ridiculous lawsuits brought by inmates in penitentiaries. A prisoner who sued demanding LA Gear or Reebok "Pumps" instead of Converse tennis shoes.

These kinds of lawsuits are an enormous drain on the resources of our States and localities, resources that would be better spent incarcerating more dangerous offenders instead of being consumed in court battles without merit.

Thirty-three States have estimated that they spend at least \$54.5 million annually combined on these lawsuits. The National Association of Attorneys General has extrapolated that number to conclude that the annual costs for all of these States are approximately \$81 million a year to battle cases of the sort that I have just described.

In addition to the problems created by the lawsuits the courts have dismissed, we have what is, if anything, a more serious problem—lawsuits the courts have not dismissed that have resulted in turning over the running of our prisons to the courts.

In many jurisdictions, including my own State of Michigan, judicial orders entered under Federal law have effectively turned control of the prison system away from elected officials accountable to the taxpayers and over to the courts. The courts, in turn, raise the costs of running prisons far beyond what is necessary and undermine the very legitimacy and deterrent effect of prison sentences. Judicial orders entered under Federal law have even resulted in the release of dangerous criminals from prison. Thus, right now, our existing Federal laws are actually wasting the taxpayers' money and creating risk to public safety.

Let me explain a little bit about how this works. Under a series of judicial decrees resulting from Justice Department lawsuits against the Michigan Department of Corrections back in the 1980's, the Federal courts now monitor our State prisons to determine: first, how warm the food is; second, how bright the lights are; third, whether there are electrical outlets in each cell; fourth, whether windows are inspected and up to code; fifth, whether a prisoner's hair is cut only by licensed barbers; and sixth, whether air and water temperatures in the prison are comfortable.

Complying with these court orders, litigating over what they mean, and producing the reports necessary to keep the courts happy has cost the Michigan taxpayers hundreds of millions of dollars since 1984.

This would be bad enough if a court had ever found that Michigan's prison system was at some point in violation of the Constitution or if the conditions there had been declared inhumane, but that is not the case. To the contrary, nearly all of Michigan's facilities are fully accredited by the American Corrections Association.

We have what may be the most extensive training program in the Nation for corrections officers. Our rate of prison violence is among the lowest of any State. And we have spent an average of \$4,000 a year per prisoner for health care, including nearly \$1,700 for mental health services.

Rather, the judicial intervention is the result of a consent decree that Michigan entered into in 1982, 13 years ago, that was supposed to end a lawsuit filed at the same time. Instead, the decree has been a source of continuous litigation and intervention by the court into the minutia of prison operations.

The Michigan story is a bad one, Mr. President, but let me tell you a story that causes me even more concern, and that is on the public safety side, the example that is going on even today in the city of Philadelphia. There a Federal judge has been overseeing what has become a program of wholesale releases of up to 600 criminal defendants per week to keep the prison population down to what the judge considers an appropriate level.

As a result, a large number of defendants have been released back onto the streets. Following their release, thousands of these defendants have been rearrested for new crimes every year including 79 murders, 90 rapes, 959 robberies, 2,215 drug dealing charges, 701 burglaries, 2,748 thefts, and 1,113 assaults.

Under this order, there are no individualized bail hearings based on a defendant's criminal history before deciding whether to release the defendant pretrial. Instead, the only consideration is what the defendant is charged with the day of his or her arrest.

No matter what the defendant has done before, even, for example, if he or

she was previously convicted of murder, if the charge giving rise to the specific arrest on the specific date is a nonviolent crime, the defendant may not be held pretrial.

Moreover, the so-called nonviolent crimes include stalking, carjacking, robbery with a baseball bat, burglary, drug dealing, vehicular homicide, manslaughter, terroristic threats, and gun charges. Those are charged as nonviolent and consequently those arrested are not detained.

Failure to appear rates, needless to say, for crimes covered by the cap are up around 70 percent as opposed to non-covered crimes for aggravated assault where the rate is just 3 percent.

The Philadelphia fugitive rate for defendants charged with drug dealing is 76 percent, three times the national average. Over 100 persons in Philadelphia have been killed by criminals set free under this prison cap.

Mr. President, I think this is all wrong. People deserve to keep their tax dollars or to have them spent on progress they approve. They deserve better than to have their money spent on keeping prisoners and prisons in conditions a particular Federal judge feels are desirable but not required by the Constitution or any law.

They certainly do not need it spent on endless litigation over these matters.

Meanwhile, criminals, while they must be accorded their constitutional rights, deserve to be punished. Obviously, they should not be tortured or treated cruelly. At the same time, they also should not have all the rights and privileges the rest of us enjoy. Rather, their lives should, on the whole, be describable by the old concept known as "hard time." By interfering with the fulfillment of this punitive function, the courts are effectively seriously undermining the entire criminal justice system.

Our distinguished majority leader, Senator DOLE, working with Senator HATCH, Senator KYL, Senator HUTCHISON, and myself, has developed legislation to address these problems. Our proposals will return sanity and State control to our prison systems.

To begin with, we would institute several measures to reduce frivolous inmate litigation. We would require judicial screening, before docketing, of any civil complaint filed by a prisoner seeking relief from the Government.

This provision would allow a Federal judge to immediately dismiss a complaint if either the complaint does not state a claim upon which relief may be granted, or the defendant is immune from suit. In addition, State prisoners would have to exhaust all administrative remedies before filing a lawsuit in Federal court.

We would also create disincentives for prisoners to file frivolous suits. Under current law, there is no cost to prisoners for filing an infinite number of such suits. First, we would require inmates who file lawsuits to pay the

full amount of their court fees and other costs. We also would make that requirement enforceable by allowing their trust accounts to be garnished to pay these fees. If a prisoner is unable to fully pay court fees and other costs at the time of filing a lawsuit, 20 percent of the funds in his trust account would be garnished for this purpose. Every month thereafter 20 percent of the income credited to the prisoner's account would be garnished until the full amount is paid off.

We would also allow Federal courts to revoke any good-time credits accumulated by a prisoner who files a frivolous suit. Finally, we would prohibit prisoners who have filed three frivolous or obviously nonmeritorious in forma pauperis civil actions from filing any more unless they are in imminent danger of severe bodily harm, and we would cap and limit the attorney's fees that can be obtained from the defendant in such suits.

As to the powers of judges to overrule our legislatures, we would forbid courts from entering orders for prospective relief—such as regulating food temperatures—unless the order is necessary to correct violations of individual plaintiffs' Federal rights. We also would require that the relief be narrowly drawn and be the least intrusive means of protecting the Federal rights. We would direct courts to give substantial weight to any adverse impact on public safety or the operation of the criminal justice system caused by the relief. And we would impose important new requirements before a court can enter an order that requires the release of prisoners, including that such orders may be entered in the Federal system only by a three-judge court.

We also would provide that any party can seek to have a court decree ended after 2 years, and that the court will order it ended unless there is still a constitutional violation that needs to be corrected. As a result, no longer will prison administration be turned over to Federal judges for the indefinite future for the slightest reason. No longer will public safety be jeopardized by capricious judicial prison caps. And no longer will the taxpayers be socked for enormous, unnecessary bills to pay for all this.

Instead, the States will be able to run prisons as they see fit unless there is a constitutional violation. If there is, a narrowly tailored order to correct the violation may be entered.

This is a balanced set of proposals, allowing the courts to step in where they are needed, but puts an end to unnecessary judicial intervention and micromanagement of our prison system we see too often.

These proposals were included as part of the Commerce, State, Justice appropriation bill. Unfortunately, President Clinton vetoed this legislation. As a result, we continue to have more frivolous prisoner lawsuits and we continue to have some courts running prisons.

President Clinton said his veto was based on other parts of the legislation.

Accordingly, we will shortly be sending him a new version of an omnibus appropriations bill that again includes these proposals. This is one measure we can take that will plainly advance our fight against crime. We hope this time, President Clinton will help.

Mr. President, at this time, I yield the floor to the Senator from Tennessee for up to 10 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee.

TOUGH RHETORIC ABOUT CRIME

Mr. THOMPSON. Mr. President, we are listening to a lot of rhetoric about crime and being tough on crime. But no matter how many cops we put on the street, no matter how many laws we pass, unless we have strong law enforcement efforts at the very top of the Justice Department and the very top of the executive branch of this Government, we are going to be letting out the back door whatever we are putting in our prison system in the front door.

In fact, the policies of an administration are much more important than any other component of our law enforcement system. An administration's decisions as to who to prosecute, how effectively to prosecute, what cases to appeal, and what positions to take, affect thousands and thousands of cases. They affect not only the specific cases that are brought but maybe even can determine what cases are brought in the future.

In other words, an administration needs to be strong in its law enforcement position. It needs to advocate the legitimate interests of the Federal Government, when Federal criminal statutes are involved. The President has engaged in strong law enforcement rhetoric. The President states that he is for the death penalty. But it is my unfortunate duty to report that the rhetoric does not match the action.

I am specifically referring to the actions of the Solicitor General. The Solicitor General in this country is the Government's lawyer. The Solicitor General advocates the Government's position before the Supreme Court of the United States. The Solicitor General is appointed by the President of the United States and confirmed by the U.S. Senate. Time after time, the position taken by the Solicitor General has been inconsistent with the rhetoric coming out of the White House.

The Solicitor General, in case after case, has refused to appeal cases in which lower courts have overruled the Government, have overturned the defendant's convictions or have made it practically impossible that the defendant be prosecuted. Instead of appealing that case, even when in some decisions there are strong dissents saying, "No, no, no, the Government is right here and the defendant is wrong," in case after case, the Solicitor General has taken the position of the defendant, essentially, and not appealed that case to

at least give a higher court an opportunity to hold for the Government.

When the Solicitor General makes a decision whether to appeal an adverse ruling, he is not in the position of a judge making an objective determination. The Solicitor General is supposed to be an advocate for us, an advocate for the people trying to enforce the law in this country. If there is a legitimate position to take in an important case—and these dissents, if nothing else, would indicate there would be in those cases—the Solicitor General is supposed to take that position and give the courts an opportunity to hold with the Government and against the defendant in those cases.

We will have more to say about that later on next week with regard to some specific cases. But there is one particular point that is very relevant. It has to do with the recent bombing case that we all know about. It has to do with the so-called Cheely decision. There, a panel of the court, not even the full court, ruled that death penalties provided in two Federal statutes, essentially statutes prohibiting sending bombs through the mails, were unconstitutional. That is the ninth circuit decision; by a lower court. It was a panel of the full court that made that decision. The Solicitor General chose not to appeal to let the full court of the ninth circuit even have an opportunity to overrule the panel.

So, as far as it stands out there, the death penalties contained in the mail bomb statutes are unconstitutional as far as that circuit is concerned. Obviously, that has some great relevance to what we are seeing now. We are all pleased that a suspect has been taken into custody with regard to the Unabomber case. Whether or not this man is charged with any of the three killings, or the terrorizing of many other people through a series of mail bombs, a jury hearing the Unabomber case should have the option of imposing the death penalty. But I fear that if he is charged in the Unabomber killings, the Justice Department may well have made it so that it is impossible for the jury or the court out there to impose the death penalty.

The problem is that the most recent Unabomber killing occurred in California. California is in the ninth circuit. The ninth circuit decided the case I referred to a minute ago in 1994, called Cheely versus United States. Cheely had been convicted of murder. He and his coconspirators arranged for a mail bomb to be sent to the post office box of a key witness against them in a trial. The witness' father was killed when he opened the packaged bomb.

Obviously, the facts are similar to the Unabomber case. Cheely was charged with interstate transport of an explosive that resulted in death and for death resulting from mailing non-mailable items. The Bush administration, which was in office at the time, asked for the death penalty. The ninth circuit panel ruled, however, that the

death penalty statutes for mail bombings were unconstitutional.

The ninth circuit held that the class of persons eligible for the death penalty under these statutes was unconstitutionally broad. Now mind you, a Carter-appointed judge on that same panel dissented from that decision.

Given that President Clinton publicly supports the death penalty, it would seem reasonable to expect that the Justice Department would automatically have sought to appeal that sort of decision which struck down a Federal statute allowing the death penalty, with a strong dissent included. But the Solicitor General did not file a petition for rehearing by the full court.

In an extraordinary move, however, the full ninth circuit ordered the parties to address whether an en banc hearing should be granted. Surprisingly, the Justice Department argued that the ninth circuit should not grant review in this case.

Mr. President, the Justice Department wound up arguing against itself. Not so surprisingly, the ninth circuit then failed to grant rehearing. The Clinton Justice Department did not file an appeal with the Supreme Court.

The Judiciary Committee held an oversight hearing this past November. At that hearing, I asked Solicitor General Days why he did not file a rehearing petition in Cheely and in another case in another circuit. He indicated that although there was an argument to be raised on the other side, he did not think that the cases raised large enough concerns to justify asking for a rehearing. Of course, the constitutionality of many death sentences obtained on the basis of pre-1976 Federal statutes was at issue. He also indicated that he had discussed the case with Attorney General Reno.

The effects of this are obvious, because if this man is charged under the Federal mail bomb statutes for the Unabomber killing in California, he cannot be given the death penalty. Had the Sacramento Federal building, and not the Oklahoma City Federal building, been bombed, the death penalty might not be available to be sought against Timothy McVeigh in Federal court.

According to the Saturday Washington Post, Justice Department officials say they are "pondering whether to bring charges against Koczynski," in the Unabomber case, "initially in Sacramento, the site of the last bombing in April 1995, or in New Jersey," where a 1994 killing occurred. I have a good idea why they are pondering. Any other time, the prosecutor might bring charges where the most recent case occurred, and where the evidence is fresher. And, in fact, the Unabomber sent more bombs to California than anywhere else.

But the case maybe cannot be brought there if the administration desires to seek the death penalty. I do not know if the New Jersey case is as strong as the California case. The third

circuit, which includes New Jersey, has not issued opinions striking down the Federal death penalty statutes.

I am deeply disturbed, however, that this administration has precluded one death penalty prosecution of the Unabomber, and now we will all have to live with the consequences.

Thank you, Mr. President.

Mr. COVERDELL. Mr. President, the statement by the Senator from Tennessee underscores the majority leader's emphasis on a tough judiciary, and just points, once again, to what we have been hearing from Majority Leader DOLE with regard to how important the judiciary system is and the judges we appoint to maintain civil order in our country.

Mr. President, I now yield up to 10 minutes to the Senator from Washington.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Washington.

ANTITERRORISM BILL

Mr. GORTON. Mr. President, the day before yesterday, this Senate completed a vitally important task. A part of that task, an antiterrorism bill, was brought into being as a consequence of the tragedy 1 year ago in Oklahoma City. Another part of that accomplishment is the result of the work of many Members on this side of the aisle, some on the other side of the aisle, extending over a period of well over a decade to reform and make more just our criminal justice system.

There are those among our constituents, a number of whom have called my office, who oppose the antiterrorism bill simply because they did not wish any enhancement of the criminal justice powers of Federal agencies.

I believe their apprehension to be misdirected. I am convinced that to face the possibility of terrorism, both foreign and domestic, a possibility which has clearly been a terrible reality both in Oklahoma City and in New York City, that some enhancement of Federal law enforcement was, in fact, necessary, and, as a consequence, I supported the antiterrorism elements in that bill.

At the same time, Mr. President, I am convinced that the reform in what is known technically as habeas corpus will be of a more profound and a more positive nature in connection with our criminal justice system.

It is a simple truism that justice delayed is justice denied, and with respect to myriad State court convictions for serious criminal violations, including the most serious criminal violations resulting in capital punishment sentences, we have a spectacle in the United States of America unseen anywhere else in the world.

Here, of course, with our unique and uniquely valuable system of dual sovereignty, most criminal justice prosecutions take place in our State courts. Many here claim a sophistica-

tion by asserting some kind of second-rate justice at the State court system. Those observations do not accord with my own practice as attorney general of the State of Washington, but, nevertheless, they are reflected in the nature of our habeas corpus proceedings.

A normal prosecution proceeds through a trial before a jury in a State court, a conviction, a sentence, at least one and usually two appeals to an intermediate appellate court and then to a State supreme court in connection with any serious violation. In most other jurisdictions in the world, including other countries as free as the United States, that would be the end of the process. But in the United States, any convicted person can say, "No, I don't accept that proceeding." No matter how great the protections of the rights of the individual accused. "I'm going to start all over again in the Federal court system and assert some violation of my constitutional rights."

We have the paradox California situation—I believe, again, Mr. President, unprecedented in the world—in which a single trial level Federal judge can say that everything that the State trial judge did, everything that the State appellate system, everything that the State supreme court did was wrong and violated the constitutional rights of this individual convicted person. And you have to start all over again or perhaps even dismiss the case entirely.

Even if that single Federal court judge says, no, everything was done in accordance with the Constitution, the accused person can then take that to a circuit court of appeals as a matter of right and try it in the Supreme Court of the United States to succeed in his or her claims.

But, Mr. President, at the present time it does not stop there. You can go all the way up on one claim of a constitutional violation and then say, oh, by the way, I forgot, I have another claim of a different constitutional violation. And we will start all over again in another Federal district court and repeat the process.

Mr. President, when I spoke here during the debate of one of the motions to recommit of the distinguished Senator from Delaware, [Mr. BIDEN], I talked about Charles Campbell.

Charles Campbell, a released rapist, almost immediately after his release from a prison in Washington State went to the home of the person he raped and in cold blood murdered her, her child, and a neighbor who happened to be there at the time. This took place in 1982, Mr. President.

By 1984 Mr. Campbell had been tried, convicted, sentenced to death, and had exhausted his appeals in the Washington court system. But, Mr. President, that was only the beginning. From 1984 to 1994 Charles Campbell cheated justice by endless appeals to the Federal courts of the United States. After literally millions of dollars had been used, his judgment was finally confirmed and he was executed in mid 1994.

Mr. President, that was a misuse of the system. It taught disrespect of the law to the people of the State of Washington who had to follow this through the newspapers and over television for more than 10 years. And, Mr. President, fundamental respect for and obedience to our law requires a public opinion that believes that the legal system does work. This kind of misuse undercuts that trust and confidence. We simply cannot have it, Mr. President.

Finally, as a result of this bill, and the intense decade-long work of the Senator from Utah, Senator HATCH, we do have reforms in this habeas corpus set of procedures. It is not an abolition, not a way to deny true constitutional violations, but a way that requires them to be asserted within a reasonable time and concluded within a reasonable time. And as a consequence, Mr. President, I believe that we have made a huge step forward in a campaign which has lasted for an extended period of time.

Just going back in the RECORD to 1980—I find a bill 2 years after that by Senator East. It did not get out of committee. The next year there was one by Senator THURMOND that actually passed the Senate, but was killed in the House. The next year a similar bill by Senator DOLE, without action. During that same year 1984, a proposition from Congressman Foley from my own State, before he was Speaker, that said we could not do anything in Congress about habeas corpus until there had been a study and recommendations from the U.S. Supreme Court, which study has been completed.

Then again in 1992 another proposal by Senator THURMOND. In the various crime bills in the 4 years leading up to 1994, tiny little proposals, minor changes—major changes constantly defeated on the floor of the Senate or the floor of the House. And finally now in this Congress with appropriate leadership a reform in the system that really works. Mr. President, this is a real triumph.

The PRESIDING OFFICER. All the time under the previous order has expired at this point.

Mr. COVERDELL. Mr. President, I would like to ask unanimous consent that our time be extended by 6 minutes. I have spoken to the Senator from Connecticut.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent, upon the conclusion of that time period, that Senator DODD be recognized for the purposes of making some remarks, and following that I be recognized for 20 minutes in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE ADMINISTRATION AND DRUG
USE BY OUR YOUTH

Mr. COVERDELL. Mr. President, I think what we have seen here this morning is that there are consequences from policies. This administration has presided over significant policy changes and decisions for which there have been extraordinary consequences.

Mr. President, the interdiction effort of drugs on our borders, particularly between the United States and Mexico, have been reduced by 40 percent. The drug czar's office under this administration until recently was reduced by 80 percent. This administration has presided over the appointment of such judicial figures as Judge Baer who is now a celebrity in his own right for an initial resistance to a drug case brought in a celebrated case in New York.

These isolated incidences though need to be looked at and reviewed again in the context of what has resulted from these decisions. And what has resulted is an alarming epidemic of drug use among American citizens, particularly our youth.

Drug use among teenagers has doubled in the last 36 months. From 1980 to 1992 drug use among teenagers was cut in half. It has now skyrocketed and as I said has virtually doubled. Mr. President, drug use among our youth age 12 to 17 since 1992 has gone from 2.4 to 3.8 million. That is all illicit drugs. It has gone from 1.6 to 2.9 million for marijuana. Drug use among 12th graders in that same 36 months is up 60 percent. For 10th graders it is up 95 percent. For eighth graders, Mr. President—eighth graders—it is up 110 percent.

The emergency room episodes of cocaine-related incidents has gone from 110,000 to 147,000. The role of substance abuse and violence has skyrocketed and is involved in 70 percent-plus of rapes in the United States. Every statistic, Mr. President, we can review is up and we are now presiding over a new drug epidemic in the United States. These statistics are a direct result of major changes in policy.

That is where we need to revert to truth-in-sentencing, new interdiction and being tougher on the judges who sit on the bench to fulfill and honor the laws of our land.

This is a war, Mr. President, that we cannot afford to lose, because to do so is to condemn millions, millions of Americans to devastation.
